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Attorneys for Defendants  
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA and DIANE HUTCHINSON

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LORRAINE WELLS, an individual; LISA  
CORDOVA-BAGLEY, an individual;  
ANDREA TUNG, an individual; RON  
HARPOLE, an individual; RICHARD  
KEMP, an individual; BRANDON CRAIG,  
an individual

Plaintiffs,

vs.

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, a California public entity;  
DIANE HUTCHINSON, an individual; and  
DOES 1-100, inclusive

Defendants.

CASE NO.

**NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C. § 1441(a)**

**(FEDERAL QUESTION)**

**Request for Jury Trial**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA and DIANE HUTCHINSON ("Defendants") hereby remove to this Court the  
state court action described below.

1. On March 17, 2015, an action was commenced in the Superior Court of the State  
of California in and for the County of Alameda, entitled *Lorraine Wells, et al. v. The Regents of*

1 *the University of California, et al.*, Case No. RG 15762714. A copy of the summons and  
2 complaint are attached hereto as **Exhibit A**.

3 2. Defendants first received a copy of said complaint on March 18, 2015.

4 Accordingly, this Notice is timely under 28 U.S.C. § 1446(b).

5 3. This action is a civil action of which this Court has original jurisdiction under 28  
6 U.S.C. § 1331, and is one which may be removed to this Court by Defendants pursuant to the  
7 provisions of 28 U.S.C. § 1441(a) in that it arises under federal law pursuant to 42 U.S.C. §  
8 1981, *et seq.*; 42 U.S.C. § 1983, *et seq.*; 42 U.S.C. § 1985, *et seq.* and 29 U.S.C. § 621, *et seq.*

9 This Court has supplemental jurisdiction over Plaintiffs' state law claims, pursuant to 28 U.S.C.  
10 § 1367(a), as these claims arise out of the same case or controversy. Defendants request a jury  
11 trial.

12 4. All of the named Defendants consent to this removal.

13 5. Removal to the San Francisco Division of the United States District Court for the  
14 Northern District of California is appropriate because the removed state court action was filed in  
15 the Superior Court of California, County of Alameda.


16 6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal, without  
17 exhibits, will promptly be served on Plaintiffs' counsel.

18 7. A copy of this Notice of Removal, without exhibits, will also be filed with the  
19 Clerk of the Superior Court of the State of California in and for the County of Alameda.

20 Dated: 4/15/15

GORDON & REES LLP

21 By:

  
22 Michael A. Laurenson  
23 George A. Acero  
24 Christin A. Lawler  
25 *Attorneys for Defendants*  
26 THE REGENTS OF THE  
27 UNIVERSITY OF  
28 CALIFORNIA and DIANE  
HUTCHINSON

Gordon & Rees LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

# EXHIBIT A

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# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Regents of the University of California, a California public entity; Diane Hutchinson, an individual; and Does 1-100, inclusive

## YOU ARE BEING SUED BY PLAINTIFF:

### (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Lorraine Wells, an individual; Lisa Cordova-Bagley, an individual;  
Andrew Tung, an individual; Ron Harpole, an individual, Richard Kemp,  
*an individual, Brandon Craig, an individual.*

SUM-100

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**ENDORSED  
FILED  
ALAMEDA COUNTY**

MAR 17 2015

CLERK OF THE SUPERIOR COURT  
By Xian-Xii Bowie

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO:** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una corte o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.aucorte.ca.gov](http://www.aucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.aucorte.ca.gov](http://www.aucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos eventuales por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court of California, County of Alameda, Oakland Division. Rene C. Davidson Courthouse, 1225 Fallon Street, Oakland, CA 94612

CASE NUMBER:  
(Número del Caso): RS15762714

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Na'il Benjamin, Esq. 101 California Street, Ste., 2710, San Francisco, CA 94111. 415.633.8833

DATE: March 17, 2015  
(Fecha)

Leah Wilson

Clerk, by  
(Secretario)

Xian-Xii Bowie

, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

## NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other: (specify):

- ☐ by personal delivery on (date):

1 NATHAN BENJAMIN, ESQ., (SBN 240354)  
 BENJAMIN LAW GROUP  
 2 101 California Street, Suite 2710  
 San Francisco, California 94111  
 3 Telephone: (415) 633.8833  
 Facsimile: (415) 349.3334  
 4 nbenjamin@benjaminlawgroup.com

**ENDORSED  
 FILED  
 ALAMEDA COUNTY**

MAR 17 2015

CLERK OF THE SUPERIOR COURT  
 By Xian-Xii Bowie

5 Attorneys for Plaintiffs  
 LORRAINE WELLS, LISA CORDOVA,  
 6 ANDREA TUNG, RON HARPOLE,  
 RICHARD KEMP, and BRANDON CRAIG  
 7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **IN AND FOR THE COUNTY OF ALAMEDA**

10 **OAKLAND DIVISION**

11 LORRAINE WELLS, an individual; LISA  
 CORDOVA-BAGLEY, an individual;  
 12 ANDREA TUNG, an individual; RON  
 HARPOLE, an individual; RICHARD KEMP,  
 13 an individual, BRANDON CRAIG, an  
 individual

14 Plaintiff,

15 v.

16 REGENTS OF THE UNIVERSITY OF  
 CALIFORNIA, a California public entity;  
 17 DIANE HUTCHINSON, an individual; and  
 18 DOES 1 - 100, inclusive,

19 Defendants.

CASE NO.:

RG 15762714

COMPLAINT FOR:

1. RACE DISCRIMINATION IN VIOLATION OF FEHA (RACE);
2. HARASSMENT IN VIOLATION OF FEHA (RACE);
3. RETALIATION IN VIOLATION OF FEHA (RACE);
4. DISCRIMINATION IN VIOLATION OF FEHA (AGE);
5. HARASSMENT IN VIOLATION OF FEHA (AGE);
6. RETALIATION IN VIOLATION OF FEHA (AGE);
7. 42 U.S.C §1981 (RACE);
8. 42 U.S.C. § 1983 (RACE);
9. 42 U.S.C. §1985 (RACE);
10. 42 U.S.C §1981 (AGE);
11. 42 U.S.C. § 1983 (AGE);
12. 42 U.S.C. §1985 (AGE);
13. ADEA ACT OF 1967;
14. NEGLIGENT TRAINING AND SUPERVISION;
15. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

DEMAND FOR JURY TRIAL

FILED BY FAX



03/17/2015 16:16

510-465-8689

FEDEX OFFICE

5604

PAGE 02

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Nail Benjamin, Esq. (SBN 240354) nbenjamin@benjaminlawgroup.com Benjamin Law Group 101 California Street, Suite 2710 San Francisco, CA 94111 TELEPHONE NO.: 415.633.8833 FAX NO.: 415.349.3334 ATTORNEY FOR (Name): Plaintiffs Lorraine Wells, et al.		FOR COURT USE ONLY  <b>ENDORSED FILED ALAMEDA COUNTY</b>  MAR 17 2015  CLERK OF THE SUPERIOR COURT By <u>Xian-Xii Bowie</u>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: Rene C. Davidson Courthouse MAILING ADDRESS: 1225 Fallon Street, CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Oakland		
CASE NAME: Wells, et al. v. Regents of the University of California, et al.		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (01) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (18) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (05) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (28) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 15. Race, Harassment, Retaliation, FEHA, Negligence, Emotional Distress
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: March 17, 2015

(TYPE OR PRINT NAME)	<u>Nail Benjamin</u> (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)
<b>NOTICE</b> Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions. • File this cover sheet in addition to any cover sheet required by local court rule. • If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding. • Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.	

Form Adopted for Mandatory Use  
Judicial Council of California  
CM-010 (Rev. July 1, 2007)

CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740  
Cal. Standards of Judicial Administration, rld. 3.10  
www.courtinfo.ca.gov

FILED BY FAX

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5 Attorneys for Plaintiffs  
 LORRAINE WELLS, LISA CORDOVA,  
 6 ANDREA TUNG, RON HARPOLE,  
 RICHARD KEMP, and BRANDON CRAIG  
 7

**ENDORSED  
 FILED  
 ALAMEDA COUNTY**

MAR 17 2015

CLERK OF THE SUPERIOR COURT  
 By Xian-Xii Bowie

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **IN AND FOR THE COUNTY OF ALAMEDA**

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 13 an individual, BRANDON CRAIG, an  
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14 Plaintiff,

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19 Defendants.

CASE NO.:

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**COMPLAINT FOR:**

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12. 42 U.S.C. §1985 (AGE);
13. ADEA ACT OF 1967;
14. NEGLIGENT TRAINING AND SUPERVISION;
15. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

**DEMAND FOR JURY TRIAL**

FILED BY FAX

1 Plaintiff LORRAINE WELLS, et al, complains and pleads as follows:

2 **GENERAL ALLEGATIONS**

3 1. At all relevant times, Plaintiffs LORRAINE WELLS, LISA CORDOVA-BAGLEY,  
4 ANDREA TUNG, RON HARPOLE, RICHARD KEMP, and BRANDON CRAIG ("Plaintiffs"),  
5 lived and/or worked at the Lawrence Berkeley National Laboratory, in the County of Alameda,  
6 State of California.

7 2. At all relevant times, Defendant REGENTS OF THE UNIVERSITY OF  
8 CALIFORNIA ("Defendants" or "UC Regents") was and now is a public entity organized and  
9 existing under the laws of the State of California, with its principal place of business located at  
10 1111 Franklin Street, 12<sup>th</sup> Floor, Oakland, CA 94607. UC Regents operates, manages, and/or owns  
11 the Lawrence Berkeley National Laboratory, and thereby employs the people that work there.

12 3. At all relevant times, Defendant DIANE HUTCHINSON ("Hutchinson") was and  
13 now is an individual residing in, or working in, the County of Alameda, State of California, and  
14 committed actions within, and outside the scope of her job duties and employment at the Lawrence  
15 Berkeley National Laboratory.

16 4. Plaintiffs are informed and believe and based thereon alleges that each Defendant  
17 was the agent and employee of its Co-Defendants, and in doing some of the things alleged in this  
18 Complaint was acting within the course and scope of that agency and employment.

19 5. The true names and capacities of Defendants sued herein as Does 1 through 100,  
20 inclusive, are unknown to Plaintiff, but Plaintiff will amend this Complaint when and if the true  
21 names of said Defendants become known to them. Plaintiffs are informed and believe and based  
22 thereon allege that each of the Defendants sued herein as a Doe is responsible in some manner for  
23 the events and happenings herein set forth and proximately caused injury and damages, and any  
24 reference to "Defendant" shall mean "Defendant and each of them."

25 **BACKGROUND**

26 6. Numerous Lawrence Berkeley National Laboratory ("Lab") employees can and will  
27 provide declarations, deposition testimony, and trial testimony, establishing that the new regime  
28 under Kim Williams enacted practices and procedures intended to harass employees that were over



1 the age of 40 and/or at enjoying enough years of service to reach certain levels of vesting in their  
2 pensions. Kim Williams and Becky Cornett acted with the intent to harass Plaintiffs and force  
3 them to quit. They also acted with the intent of building a case for termination against these  
4 employees, and in some instances, forced employees to resign in response to the threat of  
5 termination. To the extent that these practices and policies included conduct that was not  
6 intentional, such conduct is still actionable under the ADEA, and had a disparate impact under  
7 Title VII and FEHA.

8       7. Lab employees can provide admissible evidence establishing that the conduct of  
9 Williams, Cornett, and their mid-level managers, was willful, extreme and outrageous, and outside  
10 of the ambit of the Worker's Compensation Act. Indeed, in addition to being extreme and  
11 outrageous, some employees were targeted with considerations of their age and race fueling the  
12 managers' attacks and harmful conduct.

13       8. Moreover, these managers – seemingly at Williams's direction – engaged in a  
14 conspiracy to terrorize the employees that they wanted to get rid of. They colluded in managers'  
15 meetings, they discussed their plans in person as well as emails, they applauded when they  
16 accomplished certain aspects of their mission, and they sought to punish anyone that broke rank  
17 and deviated from their master plan.

18       9. Accordingly, Plaintiffs' have claims for Intentional Infliction of Emotional Distress  
19 and age-based harassment. Plaintiff Lorraine Wells has race-based claims under the same federal  
20 and state statutes. Plaintiffs also have claims under *C.A. v. William S. Hart Union High School*  
21 *Dist.* (2012) 53 Cal.4th 861, for negligent training and supervision. Lastly, the Plaintiffs that are  
22 former employees have claims under the 5th and 14th Amendments for deprivation of procedural  
23 due process, and fraudulent inducement to enter contract (Terry Pierre).

24       10. UC Regents and its pension problems became a well-told story during the recent  
25 economic downturn. The Regents's contribution to the pension system increased to 14%. And  
26 then it returned to requiring significant contributions for its employees. Even still, the funding  
27 shortfall was enormous. UC Regents borrowed billions of dollars, including a recent \$700 million  
28 loan.

1           11.     Last year, UC Retirement had only 76 percent of the actuarially projected assets  
2 needed to pay pension obligations over the next three decades. So in addition to being incapable of  
3 satisfying its pension obligations to the hard working employees that had already served their time  
4 and become completely vested, the Regents had the growing problem of dealing with current  
5 employees that would be vesting and eligible for retirement in the upcoming years.

6           12.     The Lab's pension and lifetime benefits system is tiered. Many of the employees  
7 under the OCFO are subject to a vesting schedule that requires 10 years of service to earn 50%  
8 lifetime medical, and 20 years of service to earn 100% lifetime medical. Given the existing  
9 inability to pay its current pension obligations, the Regents's problems were increasing every day  
10 an employee vested and grew closer to retirement. Therefore, the only control the Regents had to  
11 solve its problem was to reduce the number of employees that would vest and/or reach retirement  
12 while employed for the Regents.

13           13.     After borrowing billions of dollars to bridge the pension funding gap, and as the  
14 economy began to recover, the Lab hired Kim Williams as the CFO of the Office of the CFO for  
15 Procurement and Property ("OCFO"). Kim Williams, in concert with her direct report Becky  
16 Cornett, devised a plan to reduce the number of older employees, and vesting employees, in the  
17 department. This plan, in their minds, served several purposes: (1) the department could hire new  
18 employees that could possibly retire with less years of service and therefore drain less of the  
19 pension's resources; (2) they could hire new employees for less than six months and then terminate  
20 them before they became permanent employees (this was especially true for employees that were  
21 newly hired and over 40); and (3) this plan also enabled them to hire managers that would act in  
22 furtherance of their scheme and remain loyal to their mission.

23           14.     Williams and Cornett were not focused only on cleansing part of their department of  
24 older and more tenured employees. They were also focused on power and control. They executed  
25 both plans in a manner that struck fear in the Lab employees, and created frustration and  
26 resentment. These emotions multiplied as Lab employees learned that there was no place for them  
27 to turn to for help, support, or protection, because Human Resources ignored complaints and even  
28 reported them to Williams and Cornett.

1           15.     As a part of their master plan, Williams and Cornett controlled the Human  
2 Resources process and function so that employees that complained met dead ends and ultimately  
3 faced the reality that Williams was in control and calling the shots. Rainey Wells's experience is a  
4 perfect example of this well-played scheme.

5           16.     Fortunately for Wells and her peers, there were two managers in the OCFO named  
6 Gary Mack ("Mack") and Richard Kemp ("Kemp"). These managers reported to Becky Cornett,  
7 and they were peers to Diane Hutchinson, Laura Crosby, Colleen Lewis, and Edna Annis.

8           17.     Mack and Kemp sat in the same meetings as Cornett's other direct reports, and they  
9 received the same instructions from Cornett with respect to Williams's and Cornett's scheme to  
10 force older and longer-tenured employees to quit. This process is sometimes referred to as  
11 "managing out" employees.

12          18.     Craig Hopkins is a Lab employee over 40 years old that reported to Mack. Hopkins,  
13 like the other Plaintiffs, worked for the Lab long enough to vest his pension, but not long enough to  
14 reach his next vesting level or age of retirement. Mack, as Hopkins's manager, received orders  
15 from Cornett to push Hopkins out by overloading him with work, refusing to provide him with  
16 training, giving him unfair performance reviews, refusing to approve him for raises, and taking  
17 other steps to make Hopkins's life miserable so that he would quit.

18          19.     In an act of heroism, Mack had the character and gumption to refuse to go along  
19 with Cornett's orders. Mack asked why Hopkins could not be trained like other newer employees  
20 that did not have enough years of service to vest in their pensions. Mack told Cornett and his peers  
21 that he refused to mistreat Hopkins and play their games. Mack resigned from his position because  
22 he did not want to work in an environment where managers were intentionally harassing older  
23 employees so that they would quit. Mack was also fed up with the hostility he experienced from  
24 OCFO management for speaking up and protecting Hopkins.

25          20.     After Mack resigned, Kemp followed. But before Kemp resigned, he exposed the  
26 Williams/Cornett conspiracy by reporting their misconduct to the Lab's whistleblower program, as  
27 well as confirming for specific employees that the Lab was targeting them and intentionally  
28 harassing them.

1           21.     For example, Kemp drafted a multi-page email to several employees describing how  
2 Lab managers discussed methods for harassing older Lab employees.

3           22.     Kemp sent this email before he left the Lab, but after he started to experience  
4 tension, ostracism, and coldness following his attempts to rectify the indignities experienced by  
5 Lab employees at the hands of Williams and Cornett.

6           23.     Kemp did not initially understand what Cornett was up to when he began working at  
7 the Lab. In fact, in response to concerns raised by Williams regarding pension costs, he had  
8 presented her with a strategic plan requiring the targeting and intentional hiring of employees that  
9 were under 40 and less experienced. Kemp will confirm that Williams and Cornett absolutely  
10 loved his plan and found ways to implement it.

11          24.     Kemp did not envision that anyone would intentionally alienate older employees  
12 and force them to quit, but once he figured out what Cornett was up to, he began defending some  
13 of these older employees during management meetings

14          25.     Kemp asked to train Wells and Pierre, but Cornett refused to allow him to do so.  
15 Kemp spoke with other employees about his concerns and started to learn about the hit list that had  
16 been created for employees that were over 40 years old and that were being "targeted" by OCFO  
17 management.

18          26.     Kemp challenged comments that were made unfairly about older employees and  
19 addressed the inequities in the feedback and criticism that was being made about Wells, Pierre, and  
20 others.

21          27.     At one point, following one of the meetings where Kemp defended an employee that  
22 was on the OFCO hit list, and spoke critically about one of the favored employees, Cornett warned  
23 him about speaking badly of favored employees and being so defensive on behalf of targeted  
24 employees. On a different occasion, an OCFO manager suggested to Kemp that he should not  
25 forget about the ways in which OCFO management chastises and targets people that do not go  
26 along with the program.

27          28.     Kemp was well-aware of the methods and tactics employed by the Lab's upper  
28 management once on the hit list. But Kemp was not deterred. He continued to speak up about his

1 concerns and speak with other Lab employees about his observations.

2       29. Not surprisingly, Kemp soon realized that because of his actions on behalf of  
3 targeted employees, he had become a target as well. He experienced the evil looks, cold shoulder,  
4 and an overall icy environment because of the way Cornett and the other OCFO managers reacted  
5 to his presence.

6       30. They stopped accepting his feedback, they stopped coming to his office to speak  
7 with him, they stopped seeking his opinion, they had meetings without him, and they made him  
8 feel unwanted and like he was no longer a part of the management team.

9       31. Kemp saw the writing on the wall and he was starting to experience severe  
10 dissatisfaction and sadness at work. The environment weighed heavily on him and he began to  
11 experience sleeplessness and anxiety because of how he was being treated and what he knew was  
12 happening to innocent longtime Lab employees.

13       32. Kemp's anxiety increased significantly, and he could not continue to allow OCFO  
14 management to mistreat him for speaking up, and mistreat Lab employees that were committed to  
15 the Lab's mission and relying on the Lab for their livelihood.

16       33. So Kemp resigned before they could fire him or break him, and he "blew the  
17 whistle" by writing emails to some employees on the OCFO hit list and to the Lab's whistleblower  
18 hotline.

19       34. In his emails, Kemp explained that:

- 20       • Managers inequitably distributed work and overloaded targeted employees with  
21 work so that they made mistakes and could then be written up;  
22       • Managers commented that "it is hard to get an employee out of the lab,  
23 especially if they are a certain age, so we load them up with work to make it  
24 uncomfortable for them to stay.";  
25       • He had been told specifically that certain employees were targeted for  
26 elimination, and they were not to help them nor train them. He was specifically  
27 told to keep his employees from helping/training targeted employees although  
28 his employees were allowed to spend huge chunks of time training younger



1 and/or newer employees;

- 2 • He presented a quote directly from manager Diane Hutchinson on April 29,  
3 2014: "we got rid of Terry Pierre, but we still have two more to go, Rainie and  
4 Lisa." We will just keep dinging them until we can get them out of here. Kemp  
5 was referring to plaintiffs Lorraine Wells and Lisa Cordova;
- 6 • He presented a quote directly from manager Laura Crosby, a manager to whom  
7 Diane Hutchinson reports, stating: "We still have to get Rainie out of here, but it  
8 is difficult as she played the race card. Also her age. We just need to keep  
9 hitting her performance as it is hard for us to touch her. Lisa Cordova also will  
10 be hard to get out of here due to her age, so will have to find another way." This  
11 statement was made around April 2, 2014;
- 12 • He presented another quote from manager Laura Crosby which she made on  
13 March 4, 2014: "We are going to try and get Rainie and Lisa out of here by  
14 keeping them on a performance plan, as Becky is going to try and have a layoff  
15 and if we can keep them on a Performance Plan we can get rid of them and not  
16 have to deal with a Performance Plan or deal with other issues.";
- 17 • He presented another quote from manager Diane Hutchinson on April 28, 2014:  
18 "I can't touch Lisa Cordoba due to her age, so to get around it I am going to try  
19 and move her to the PCard department on the Hill and then maybe she will go";
- 20 • Kemp explained that he asked managers Laura Crosby and Diane Hutchinson  
21 several times about performance plans and trainings for specific employees, and  
22 each time they responded that they are just trying to get the employees out. He  
23 explained that he was directed not to allow Shanna Wells, a stellar employee  
24 tasked with training others, to train targeted employees, but that Shanna Wells  
25 provided quite a bit of training to Dan McCloskey and others. Terry Pierre,  
26 Lorraine Wells, and Lisa Cordoba were singled out and excluded from being  
27 trained.

28 35. He explained that he could state with complete confidence that performance plans

1 were not intended to improve employee performance or used to establish training needs. The only  
2 use of the performance plans was to get targeted employees out.

3 36. Plaintiff Wells is one of the employees that Kemp emailed and confessed to before  
4 resigning. He also reported these concerns to the Lab's Whistleblower unit, the Department of  
5 Energy, and other internal organizations related to the Lab.

6 37. Wells, like several other Plaintiffs, worked in the Procurement division led by  
7 Williams and Cornett. Wells is over 40 years old, has 22 years of procurement experience and has  
8 worked at the Lab for almost eight years. She reports to Diane Hutchinson, one of Cornett's direct  
9 reports. Before working under Williams, Cornett, and Hutchinson, Wells had good performance  
10 reviews, she had never been written up or placed on a performance plan, and she was in good  
11 standing as a Lab employee. Upon reaching her 10th anniversary, she would be entitled to her  
12 previously vested pension, plus 50% of her medical, dental, vision, and life insurance benefits.

13 38. As part of Williams's and Cornett's plan to target Wells for termination or a forced  
14 resignation, they overloaded her with work, scrutinized her on a regular basis, criticized her  
15 performance, refused to provide her with support or training, and then gave her a poor performance  
16 review resulting in her being placed on a performance improvement plan. According to  
17 Hutchinson, Wells's direct manger, Wells was to remain on this plan indefinitely!

18 39. Wells complained to Human Resources about the unfair treatment she was  
19 experiencing. In July 2013, Wells wrote an 8 page complaint outlining in great detail the  
20 disrespect and harassment that Hutchinson subject her to. She explained that Hutchinson harassed  
21 her based on age and race and violated Regulations and Procedures Manual Rules 2.01. She  
22 explained that she was disciplined for seeking feedback and clarification about certain ambiguities,  
23 she described the condescending and demeaning tone in which Hutchinson communicated with  
24 her, Wells identified times when Hutchinson ignored her and her accomplishments and minimized  
25 her existence, and she explained the unevenness in which Hutchinson criticized her work but  
26 ignored similar shortcomings from people more directly responsible for errors.

27 40. In August 2013, Wells submitted another written complaint and explained that  
28 "[t]he antagonistic, aggressive and hostile conditions I'm being subjected to in my working

1 environment, as a result of Diane's actions, [they] are impeding my ability to adequately focus and  
2 get my work done. It is an intimidating, oppressive atmosphere, for me, that is being generated by  
3 my manager." She also explained that Hutchinson was retaliating against her for complaining, and  
4 that Hutchinson threatened to discipline her if she asked her questions about her job duties.  
5 Notably, the questions Wells wanted to ask were about the so-called poor performance that led to  
6 Wells being placed on a trumped-up performance plan.

7         41. Wells continued to explain that Hutchinson spoke to her in a condescending tone,  
8 made her feel disliked and worthless, nitpicked her work and offered unfair and inconsistent  
9 criticism, devalued and sometimes ignored her achievements while openly celebrating and posting  
10 similar achievements of Wells's coworkers, ignores compliments and appreciation about Wells  
11 from Wells's customers but exaggerates and chastises Wells about small misunderstandings, and  
12 blamed Wells for mistakes that were not caught by people responsible for reviewing and catching  
13 mistakes.

14         42. Wells also explained that she informed Hutchinson of an injury that was causing her  
15 severe pain and discomfort. Wells previously informed Hutchinson that her injury and pain  
16 impacted her work, the amount of time she needed to complete her work, and that she was  
17 significantly limited in her abilities to perform at times when the pain was severe. At no time did  
18 Hutchinson offer to accommodate Wells or otherwise initiate a good faith interactive process. Nor  
19 did Human Resources respond to this complaint from Wells. Instead, Hutchinson – at the approval  
20 of Human Resources – expected Wells to work longer hours and to perform her job duties without  
21 any accommodation at all. Accordingly, Hutchinson continued to scrutinize Wells, ding her  
22 performance, nitpick her work product, send inaccurate and condescending emails, mischaracterize  
23 Wells's performance and circumstances, require her to sit in performance-based meetings on a  
24 weekly basis, and continuously hint and suggest that Wells was subject to termination for reasons  
25 that did not fairly reflect Wells's performance.

26         43. Wells did not try to hide the fact that she complained about the way she was being  
27 treated. Although she did not have the evidence from Kemp at the time of her initial complaints,  
28 she has been consistent in her descriptions of the mistreatment and venom she endured at work.

1        44.     Other employees, however, relied heavily on their complaints being confidential.  
2 Lab employees in the procurement department are extremely fearful of retaliation. Many of them  
3 would file reports only under the most extreme circumstances. These employees have seen their  
4 colleagues pushed out of jobs, fired, and marginalized for filing complaints.

5        45.     Their concerns are legitimate. When Lab employees filed complaints with the  
6 Inspector General, Neda Bustler and Hahn Kent began questioning people and searching for  
7 information that would reveal the names of the employees that complained to the Inspector General  
8 so that they could report those names to Williams and her direct reports. In fact, during a staff  
9 meeting, Bustler took over a section of that meeting and began to lecture everyone about filing  
10 complaints to the Inspector General about the Lab's unlawful conduct. Kemp describes her as  
11 asking everyone to tell her the names of the people that were "calling out labor ethics violations to  
12 whistleblower programs." Wells was believed to be one of these people.

13        46.     Given the behavior of Williams and her regime, it is understandable that these co-  
14 conspirators would want to sniff-out whistleblowers and scare people against filing reports.

15        47.     Notably, however, Williams and Cornett did not need spies to inform them of the  
16 names of complaining employees. Human Resources violated employee confidentiality and  
17 updated Williams on complaints raised by employees. On one occasion, after Wells complained to  
18 Human Resources about the way Hutchinson was mistreating her, Williams responded to Wells's  
19 complaint. Human Resources, on the other hand, did not. Instead, Human Resources sent the  
20 Complaint to Williams and allowed Williams to dismiss Wells's complaint and defend Hutchinson.  
21 This conduct almost completely chilled any further complaints of other employees once they  
22 realized that they had no place to turn for protection of help from the tyranny of Williams and  
23 Cornett.

24        48.     Surprisingly, after Kemp resigned, "blew the whistle," and told employees about the  
25 harassment scheme employed by Williams and Cornett, the Lab purported to conduct an  
26 investigation into the allegations of harassment, retaliation and discrimination by hiring an attorney  
27 to conduct the investigation. This investigator reviewed documents where Kemp provided great  
28 detail – including names and dates – about managers discussing harassing employees and their

1 intent to push them out.

2 49. This investigator confirmed that Mr. Mack resigned from his Lab position because  
3 he refused to participate in harassing one of his direct reports.

4 50. The investigator could also confirm that Wells and her former colleague, Terry  
5 Pierre, were overloaded with work because they have been disproportionately assigned  
6 reimbursements so they would make mistakes and give managers reasons to write them up and  
7 provide poor performance evaluations.

8 51. This investigator had proof that Cornett and her minions cheered loudly when  
9 Cornett reported they had successfully forced Pierre to quit after being harassed beyond his  
10 capacity. She had Wells's complaints about Hutchinson, Williams's unusual response to Wells  
11 about Wells's complaint to Human Resources, and she spoke with at least one former procurement  
12 manager that confirmed Cornett's spiteful and vindictive behavior, as well her direction to  
13 management not to train Wells, Cordova, Pierre, and other employees that fit into the protected  
14 classes addressed in this lawsuit.

15 52. This investigator ignored all of this evidence, and accepted the words of Hutchinson  
16 and Crosby. Notably, Hutchinson and Crosby are the same two managers that Kemp reported to  
17 the Department of Energy ("DOE") as directing a subordinate to falsify documents in response to a  
18 DOE audit. Apparently, the Lab could not pass its PERT audit on its merit. So Crosby and  
19 Hutchinson bullied a terrified direct report into falsifying records and presenting them to the DOE  
20 as if they were true and accurate copies of the responsive documents.

21 53. The investigator ignored all of this evidence and concluded that the allegations of  
22 harassment were unfounded. Notably, these types of conclusions at the Lab are quite common  
23 when investigators hired by the Lab perform the investigation. The Lab's investigation process  
24 serves only the Lab's litigation interests and has historically empowered managers to continue their  
25 harassing behavior without any concerns for consequences for their conduct.

26 54. These one-sided investigations also tell employees that it is pointless for them to  
27 complain and expect the Lab to take action. Consequently, employees are both deterred and  
28 scared. Wells was neither. However, the Lab ultimately terminated Wells without ever fully



1 investigating her complaints or protecting her from ongoing and future discrimination, retaliation,  
2 and harassment.

3 55. Consistent with the Lab's message is management's actions following the favorable  
4 investigations. Cornett sent an email to rank and file procurement personnel boasting that the  
5 investigation concluded that management was not liable for any of its harassing conduct.

6 Accordingly, Cornett and her co-conspirators picked up where they left off and continued to harass  
7 Wells and anyone that stood against them.

8 56. Ronald Harpole was over 40 years old when he began working at the lab on October  
9 15, 2012, as a Senior Subcontracts Administrator. Dianne Hutchinson was his manager.

10 57. Mr. Harpole witnessed Gary Mack being harassed by the predominantly female  
11 management team (Williams, Cornett, Hutchinson, Crosby, etc.). He also overheard Hutchinson  
12 and others state that Rainey Wells, Lisa Cordova, and Terry Pierre were on the hit list and  
13 "targeted" during a meeting with managers and supervisors. He also had first hand experience with  
14 the wrath of Cornett with respect to people that complained about harassment and mistreatment in  
15 the workplace.

16 58. On February 14, 2013, Mr. Harpole performed an assignment with the Real Estate  
17 team. Mr. Harpole visited the Richmond office space with Diane Hutchinson. During their visit,  
18 Hutchinson received a phone call from Becky Cornett. Hutchinson eyed Mr. Harpole suspiciously  
19 while she spoke on the phone. When Hutchinson ended the call she immediately turned to Mr.  
20 Harpole and told him that Becky said for him to "button the top button of his shirt everyday and  
21 shut up!" Mr. Harpole felt harassed and intimidated by the comment and literally followed the  
22 instruction by keeping his top shirt buttoned while at work.

23 59. In addition to his role on the Real Estate team, Mr. Harpole was responsible for  
24 several contracts, his priorities being the Lab Security, Fire Suppression Review, and  
25 Transportation. Becky Cornett assigned Mr. Harpole to additional group projects that included  
26 reformatting of all Lab documentation and the preparing twenty desktop practice guides. Mr.  
27 Harpole worked more than ten hours a day in the office and two hours in the evening from home to  
28 complete his work assignments.

1           60.     Mr. Harpole was given a performance review after three months of employment. At  
2 that time, Mr. Harpole became aware of his probationary status. The only feedback he received  
3 with respect to needing to improve was that he should continue to improve his understanding of the  
4 purchase order software, which he subsequently did.

5           61.     On March 3, 2013, Mr. Harpole was assigned to a training team along with a  
6 supervisor names Colleen Lewis. He participated in the training sessions and completed the  
7 training homework. At one point, he made a diagram at the request of the group which Ms.  
8 Jorgenson praised, but which Ms. Lewis rejected without reason. On two separate occasions, Ms.  
9 Lewis called Mr. Harpole out in the meeting in front of his colleagues telling him that he “didn’t  
10 know what he was talking about” and that he “didn’t add value to the team.” Mr. Harpole had  
11 evidence of his stellar work product and the support of colleagues who considered him to be a  
12 knowledgeable contributor to the training group.

13           62.     On March 20, 2013, Mr. Harpole went to Hutchinson to formally report Ms. Lewis  
14 for the harassment that he experienced in the team meetings and concerns he had about comments  
15 that were made about Ms. Wells, Ms. Cordova, and Mr. Pierre. On April 3, 2013, two weeks  
16 before his probationary period was to end, Mr. Harpole was fired.

17           63.     Andrea Tung is over 40 years old, and was hired as the Business Assurance  
18 Administrator in the Lab procurement department on September 3, 2013. She had five years of  
19 prior experience working for the Regents, yet she was required to observe a new six month  
20 probationary period when she was hired. When she observed harassment towards Terry Pierre,  
21 Lorraine Wells, Lisa Cordova, and others, Ms. Tung commented on these observations to other co-  
22 workers. It became generally known and understood that Ms. Tung was not on board with the  
23 conspiracy by Williams and Cornett with respect to older employees. Consequently, Ms. Tung was  
24 given work assignments in addition to her regular workload as a disguised attempt to cause her  
25 failure during her probationary period.

26           64.     Ms. Tung’s outspoken behavior caused her immediate supervisor, Edna Annis, to  
27 disregard and ignore Ms. Tung's strong work performance. Annis assigned Ms. Tung increasingly  
28 complicated work tasks but did not provide her with additional support or training. Ms. Tung

1 never received any indication, feedback, or notice that she had failed to perform her duties until the  
2 final month of her probationary period.

3 65. It wasn't until Ms. Tungs's verbal performance review by Edna Annis on February  
4 4, 2014, that Ms. Tung received any negative feedback on her job performance. Annis began to  
5 cryptically ask and suggest that Ms. Tung was unhappy and that Ms. Tung may not want to  
6 continue at the Lab. Those were not Ms. Tung's thoughts or words. But for some strange reason,  
7 Annis began to create that as her storyline with respect to Ms. Tung.

8 66. Ms. Tung knew something was strange about Annis's conduct and the comments she  
9 was making. Ms. Tung asked Annis if she was going to still have a job. Annis ignored the  
10 question and did not provide a straight answer. On February 18, 2014, Ms. Tung was asked to sign  
11 a written copy of her review, but was never provided a copy. On February 25, 2014, Edna Annis  
12 informed Ms. Tung that she would not be extended a permanent position.

13 67. Edna Annis's treatment of Andrea Tung is indicative of the managerial practice of  
14 mistreating qualified and capable employees. Andrea Tung had over five years vested as a  
15 University of California employee prior to her employment at the Lab. Had she obtained  
16 permanent employment with the Lab, her pension would have increased. As a probationary  
17 employee, she became susceptible to unfair termination because of her outspoken observations of  
18 harassment towards other co-workers. Consequently, Andrea Tung became a target of the same  
19 conspiracy that she criticized.

20 68. Lisa Cordova is over 40 years old and has been employed at the Lab for almost 28  
21 years. She currently works under Williams and Cornett and was managed by Defendant  
22 Hutchinson. In fact, she worked with Ms. Wells. Their offices are across from each other and  
23 observed each others working conditions. Ms. Wells and Ms. Cordova often communicated with  
24 each other and compared notes about how they were treated at work.

25 69. Ms. Cordova began performing procurement duties in connection with the OCFO  
26 before Williams took control of that office. At that time, Jeffrey Fernandez was the CFO, and Gary  
27 Mack was Ms. Cordova's supervisor. Ms. Cordova worked under Mr. Mack for almost nine (9)  
28 months handling procurement duties and received compliments and positive feedback about her

1 performance. His performance review for Ms. Cordova was that she met expectations

2 70. David Chen became Ms. Cordova's supervisor after Mr. Mack. Mr. Chen evaluated  
3 Ms. Cordova's work during that time and provided her with a performance review. He felt that her  
4 performance exceeded expectations.

5 71. Laura Crosby became Ms. Cordova's supervisor after Mr. Chen. Ms. Crosby  
6 evaluated Ms. Cordova's work during that time period and provided her with a performance review.  
7 She felt that Ms. Cordova's performance met expectations.

8 72. Kim Williams became the CFO while Ms. Cordova was supervised by Ms. Crosby.  
9 Shortly after Williams took over, Defendant Hutchinson became Ms. Cordova's supervisor. At this  
10 time, as described above, Williams and Cornett were decision-makers in the OCFO.

11 73. Shortly after reporting to Hutchinson, Ms. Cordova observed unfair and inequitable  
12 treatment from Hutchinson. Hutchinson would not respond to her inquiries, Hutchinson would not  
13 provide collegial feedback as a supervisor, Hutchinson often made comments that it was not her  
14 job to "train" or give information, and she would essentially remove herself from the environment  
15 as a resource to Ms. Cordova and Ms. Wells.

16 74. Hutchinson would then criticize Ms. Cordova's work and scrutinize her performance  
17 in a manner that did not fairly reflect the task and circumstances at issue. She would harp on small  
18 areas for improvement and completely minimize all of the positive feedback and achievements that  
19 had been highlighted by vendors and colleagues. Hutchinson rode Ms. Cordova's back as if Ms.  
20 Cordova's performance was limited only to the negative things that Hutchinson chose to focus on.

21 75. Hutchinson started giving Ms. Cordova negative performance reviews. Ms.  
22 Cordova had previously received raises while working under Mr. Mack and Mr. Chen. But once  
23 Hutchinson became her supervisor, the raises stopped. Ms. Cordova has not received a raise while  
24 working under Hutchinson, Cornett and Williams.

25 76. Ms. Cordova began to experience severe emotional distress due to the undue age-  
26 based harassment. She also experienced actual work-related injuries resulting from a fall at work  
27 and the physical performance of her job duties. Accordingly, Ms. Cordova missed work due to  
28 doctor's appointments and was perceived as someone that had a disability.

78. Brandon Craig ("Mr. Craig") was the Lead Subcontracts Administrator of the Service Center who witnessed and challenged the unfair treatment experienced by his direct employees Eileen Yokoi ("Yokoi") and Denny Parra ("Parra") who were both over 40 years of age. Craig attended various one on one and group meetings with managers where the underlying topics of discussion revolved around how to force older employees to leave and replace them with younger, less expensive workers.

79. Craig was specifically ordered by Colleen Lewis to say and do things to fellow employees that he believed were unfair. Specifically, Craig was asked to require Yokoi to document all of her activities down to the minute for two weeks. Craig was also told not to extend Deborah Haddens' temporary employment contract despite the fact that their group was substantially overworked. Craig considered these activities to be consistent with Cornett's desire to harass older employees into self-imposed resignation.

16 80. Because Craig refused to participate in the harassment of targeted employees as  
17 ordered by Colleen Lewis, Craig became a target himself. In fact, following a promotion, Cornett  
18 refused to properly classify Craig's position as an F28.2 Lead Manager, for which he would earn  
19 more money.

81. Additionally, Craig had raised concerns with Cornett, in confidence, about his observations. Cornett did not keep his complaints confidential. Instead, she shared his concerns with other managers and made it clear that he was no going to go along with their program.

82. Craig's opposition to targeting employees rendered him a target as well. Rather than wait for any manufactured pretenses for his termination, Craig chose to resign.

**FIRST CAUSE OF ACTION**

## RACE AND DISABILITY DISCRIMINATION (FEHA)

**(Wells Against the Lab)**

28 83. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 82,



1 inclusive, of this Complaint as though fully set forth herein.

2 84. As a proximate result of the wrongful conduct of Defendants, Plaintiff has sustained  
3 substantial losses in earnings and other employment benefits in an amount according to proof at the  
4 time of trial. As a further proximate result of the wrongful conduct of Defendants, Plaintiff has  
5 suffered and continues to suffer humiliation, embarrassment, emotional distress and mental  
6 anguish, all to her damage in an amount according to proof at the time of trial

7 85. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
8 and in the conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive  
9 damages in an amount according to proof at the time of trial

10 86. Plaintiff is entitled to costs and reasonable attorney's fees pursuant to Government  
11 Code Section 12965(b)

## 12 SECOND CAUSE OF ACTION

### 13 RACE AND DISABILITY HARASSMENT IN VIOLATION OF FEHA

#### 14 (Wells Against all Defendants)

15 87. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 86,  
16 inclusive, of this Complaint as though fully set forth herein.

17 88. During the course of Plaintiff's employment, Defendants failed to prevent sexual  
18 harassment towards Plaintiff in violation of Government Code section 12940(k). Defendants  
19 committed unlawful employment practices in violation of Government Code sections 12940 et seq.  
20 by failing to prevent the above-alleged acts of sexual harassment and retaliation and by wholly  
21 failing to undertake any prompt and adequate investigation concerning Defendants' unlawful  
22 conduct, and by failing to take any action in response to the unlawful conduct of Defendants.

23 89. As a proximate result of the wrongful conduct of Defendants, Plaintiff has sustained  
24 substantial losses in earnings and other employment benefits in an amount according to proof. As  
25 a further proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and  
26 continues to suffer humiliation, embarrassment, emotional distress and mental anguish, all to  
27 his/her damage in an amount according to proof.

28 90. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,

1 and in the conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive  
2 damages in an amount according to proof at the time of trial.

3 91. Plaintiff is entitled to costs and reasonable attorney's fees pursuant to Government  
4 Code Section 12965(b).

### 5 **THIRD CAUSE OF ACTION**

#### 6 **RETALIATION**

#### 7 **(Wells Against the Lab)**

8 92. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 91,  
9 inclusive, of this Complaint as though fully set forth herein.

10 93. Based on the above-alleged conduct, Defendants retaliated against Plaintiff for  
11 opposing and reporting race, age, and disability-related harassment.

12 94. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered  
13 special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount  
14 according to proof. As a further direct and proximate result of Defendants' conduct, Plaintiff will  
15 suffer additional special damages in the form of lost future earnings, benefits and/or other  
16 prospective damages in an amount according to proof.

17 95. As a further proximate result of the wrongful conduct of Defendants, Plaintiff has  
18 suffered and continues to suffer humiliation, lack of self-confidence, embarrassment, emotional  
19 distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

20 96. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
21 and in the conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive  
22 damages in an amount according to proof. Plaintiff is entitled to costs and reasonable attorney's  
23 fees pursuant to Government Code Section 12965(b).

### 24 **FOURTH CAUSE OF ACTION**

#### 25 **AGE DISCRIMINATION (FEHA)**

#### 26 **(Wells, Cordova, Harpole, Tung Against all Defendants)**

27 97. Plaintiffs re-allege and incorporate herein by reference paragraphs 1 through 96,  
28 inclusive, of this Complaint as though fully set forth herein.

1        98. As a proximate result of the wrongful conduct of Defendants, Plaintiffs have  
 2 sustained substantial losses in earnings and other employment benefits in an amount according to  
 3 proof at the time of trial. As a further proximate result of the wrongful conduct of Defendants,  
 4 Plaintiffs have suffered and continue to suffer humiliation, embarrassment, emotional distress and  
 5 mental anguish, all to her damage in an amount according to proof at the time of trial

6        99. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
 7 and in the conscious disregard of the rights of Plaintiffs, and Plaintiffs are therefore entitled to  
 8 punitive damages in an amount according to proof at the time of trial

9        100. Plaintiffs are entitled to costs and reasonable attorney's fees pursuant to  
 10 Government Code Section 12965(b)

# **FIFTH CAUSE OF ACTION**

## **AGE HARASSMENT IN VIOLATION OF FEHA**

**(All Plaintiffs Against all Defendants)**

14        101. Plaintiffs re-allege and incorporate herein by reference paragraphs 1 through 100,  
 15 inclusive, of this Complaint as though fully set forth herein.

16        102. During the course of Plaintiffs' employment, Defendants failed to prevent  
 17 harassment towards Plaintiffs in violation of Government Code section 12940(k). Defendants  
 18 committed unlawful employment practices in violation of Government Code sections 12940 et seq.  
 19 by failing to prevent the above-alleged acts of harassment and retaliation and by wholly failing to  
 20 undertake any prompt and adequate investigation concerning Defendants' unlawful conduct, and by  
 21 failing to take any action in response to the unlawful conduct of Defendants.

22        103. As a proximate result of the wrongful conduct of Defendants, Plaintiffs have  
 23 sustained substantial losses in earnings and other employment benefits in an amount according to  
 24 proof. As a further proximate result of the wrongful conduct of Defendants, Plaintiffs have  
 25 suffered and continue to suffer humiliation, embarrassment, emotional distress and mental anguish,  
 26 all to their damage in an amount according to proof.

27        104. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
 28 and in the conscious disregard of the rights of Plaintiffs, and Plaintiffs are therefore entitled to

1 punitive damages in an amount according to proof at the time of trial.

2 105. Plaintiffs are entitled to costs and reasonable attorney's fees pursuant to  
3 Government Code Section 12965(b).

4 **SIXTH CAUSE OF ACTION**

5 **RETALIATION**

6 **(All Plaintiffs Against the Lab)**

7 106. Plaintiffs re-allege and incorporate herein by reference paragraphs 1 through 105,  
8 inclusive, of this Complaint as though fully set forth herein.

9 107. Based on the above-alleged conduct, Defendants retaliated against Plaintiffs for  
10 opposing and reporting unlawful harassment.

11 108. As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered  
12 special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount  
13 according to proof. As a further direct and proximate result of Defendants' conduct, Plaintiffs will  
14 suffer additional special damages in the form of lost future earnings, benefits and/or other  
15 prospective damages in an amount according to proof.

16 109. As a further proximate result of the wrongful conduct of Defendants, Plaintiffs have  
17 suffered and continue to suffer humiliation, lack of self-confidence, embarrassment, emotional  
18 distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

19 110. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
20 and in the conscious disregard of the rights of Plaintiffs, and Plaintiffs are therefore entitled to  
21 punitive damages in an amount according to proof. Plaintiffs are entitled to costs and reasonable  
22 attorney's fees pursuant to Government Code Section 12965(b).

23 **SEVENTH CAUSE OF ACTION**

24 **42 U.S.C. § 1981**

25 **(Race and Disability Discrimination)**

26 **(Wells)**

27 Plaintiffs incorporate paragraphs 1 through 110, inclusive, by reference as though set forth  
28 in full below.

111. Defendants have acted under the color of state law and violated Plaintiff's contractual rights, privileges and immunities protected under the Constitution of the United States. This includes the Fourteenth Amendment's right to equal protection.

112. By doing the things described above, Defendants harassed, retaliated against, and discriminated against Plaintiff Wells on the basis of her race, age and disability.

113. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount according to proof at trial. As a further direct and proximate result of Defendants' conduct, Plaintiff will suffer additional special damages in the form of lost future earnings, benefits and/or other prospective damages in an amount according to proof at trial.

114. As a further proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and continues to suffer humiliation, lack of self-confidence, embarrassment, emotional distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

115. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice, and in the conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages in an amount according to proof at the time of trial. Plaintiff is entitled to costs and reasonable attorney's fees pursuant to the statutes referenced herein.

116. This deprivation of rights, as alleged above and incorporated herein, including the rights as women to equal protection under the laws of the United States, gives rise to a claim under 42 U.S.C. § 1981.

## **EIGHTH CAUSE OF ACTION**

**42 U.S.C. § 1983**

**(Race and Disability Harassment Against All Defendants)**

**(Wells)**

Plaintiffs incorporate paragraphs 1 through 116, inclusive, by reference as though set forth in full below.

117. Defendants have acted under the color of state law and violated Plaintiffs' rights, privileges and immunities protected under the Constitution of the United States. This includes the



1 Fourteenth Amendment's right to equal protection.

2 118. By doing the things described above, Defendants harassed, retaliated against, and  
3 discriminated against Plaintiff Wells on the basis of her race and disability.

4 119. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered  
5 special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount  
6 according to proof at trial. As a further direct and proximate result of Defendants' conduct,  
7 Plaintiff will suffer additional special damages in the form of lost future earnings, benefits and/or  
8 other prospective damages in an amount according to proof at trial.

9 120. As a further proximate result of the wrongful conduct of Defendants, Plaintiff has  
10 suffered and continues to suffer humiliation, lack of self-confidence, embarrassment, emotional  
11 distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

12 121. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
13 and in the conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive  
14 damages in an amount according to proof at the time of trial. Plaintiff is entitled to costs and  
15 reasonable attorney's fees pursuant to the statutes referenced herein.

16 122. This deprivation of rights, as alleged above and incorporated herein, including the  
17 rights as women to equal protection under the laws of the United States, gives rise to a claim under  
18 42 U.S.C. § 1983.

19 **NINTH CAUSE OF ACTION**

20 **42 U.S.C. § 1985**

21 **(Race and Disability Discrimination and Harassment)**

22 **(Wells)**

23 Plaintiffs incorporate paragraphs 1 through 122, inclusive, by reference as though set forth  
24 in full below.

25 123. Defendants have acted in concert under the color of state law and violated Plaintiffs'  
26 rights, privileges and immunities protected under the Constitution of the United States. This  
27 includes the Fourteenth Amendment's right to equal protection.

28 124. By doing the things described above, Defendants harassed, retaliated against, and

1 discriminated against Plaintiff Wells on the basis of her race and disability.

2 125. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered  
3 special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount  
4 according to proof at trial. As a further direct and proximate result of Defendants' conduct,  
5 Plaintiff will suffer additional special damages in the form of lost future earnings, benefits and/or  
6 other prospective damages in an amount according to proof at trial.

7 126. As a further proximate result of the wrongful conduct of Defendants, Plaintiff has  
8 suffered and continues to suffer humiliation, lack of self-confidence, embarrassment, emotional  
9 distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

10 127. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
11 and in the conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive  
12 damages in an amount according to proof at the time of trial. Plaintiff is entitled to costs and  
13 reasonable attorney's fees pursuant to the statutes referenced herein.

14 128. This deprivation of rights, as alleged above and incorporated herein, including the  
15 rights as women to equal protection under the laws of the United States, gives rise to a claim under  
16 42 U.S.C. § 1985.

### 17 **TENTH CAUSE OF ACTION**

#### 18 **42 U.S.C. § 1981**

#### 19 **(Age Harassment, Discrimination and Retaliation)**

#### 20 **(All Plaintiffs Against all Defendants)**

21 Plaintiffs incorporate paragraphs 1 through 128, inclusive, by reference as though set forth  
22 in full below.

23 129. Defendants have acted under the color of state law and violated Plaintiffs'  
24 contractual rights, privileges and immunities protected under the Constitution of the United States.  
25 This includes the Fourteenth Amendment's right to equal protection.

26 130. By doing the things described above, Defendants harassed, retaliated against, and  
27 discriminated against all Plaintiffs on the basis of their age and protected activity.

28 131. As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered

1 special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount  
 2 according to proof at trial. As a further direct and proximate result of Defendants' conduct,  
 3 Plaintiffs will suffer additional special damages in the form of lost future earnings, benefits and/or  
 4 other prospective damages in an amount according to proof at trial.

5 132. As a further proximate result of the wrongful conduct of Defendants, Plaintiffs have  
 6 suffered and continues to suffer humiliation, lack of self-confidence, embarrassment, emotional  
 7 distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

8 133. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
 9 and in the conscious disregard of the rights of Plaintiffs, and Plaintiffs are therefore entitled to  
 10 punitive damages in an amount according to proof at the time of trial. Plaintiffs are entitled to  
 11 costs and reasonable attorney's fees pursuant to the statutes referenced herein.

12 134. This deprivation of rights, as alleged above and incorporated herein, including the  
 13 rights as employees older than the age of 40 to equal protection under the laws of the United States,  
 14 gives rise to a claim under 42 U.S.C. § 1981.

#### 15 **ELEVENTH CAUSE OF ACTION**

#### 16 **42 U.S.C. § 1983**

#### 17 **(Age Harassment, Discrimination and Retaliation)**

#### 18 **(All Plaintiffs Against All Defendants)**

19 Plaintiffs incorporate paragraphs 1 through 134, inclusive, by reference as though set forth  
 20 in full below.

21 135. Defendants have acted under the color of state law and violated Plaintiffs' rights,  
 22 privileges and immunities protected under the Constitution of the United States. This includes the  
 23 Fourteenth Amendment's right to equal protection.

24 136. By doing the things described above, Defendants harassed, retaliated against, and  
 25 discriminated against all Plaintiffs on the basis of their age and protected activity.

26 137. As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered  
 27 special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount  
 28 according to proof at trial. As a further direct and proximate result of Defendants' conduct,

1 Plaintiff will suffer additional special damages in the form of lost future earnings, benefits and/or  
2 other prospective damages in an amount according to proof at trial.

3 138. As a further proximate result of the wrongful conduct of Defendants, Plaintiffs have  
4 suffered and continues to suffer humiliation, lack of self-confidence, embarrassment, emotional  
5 distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

6 139. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
7 and in the conscious disregard of the rights of Plaintiffs, and Plaintiffs are therefore entitled to  
8 punitive damages in an amount according to proof at the time of trial. Plaintiffs are entitled to  
9 costs and reasonable attorney's fees pursuant to the statutes referenced herein.

10 140. This deprivation of rights, as alleged above and incorporated herein, including the  
11 rights as women to equal protection under the laws of the United States, gives rise to a claim under  
12 42 U.S.C. § 1983.

### 13 **TWELFTH CAUSE OF ACTION**

14 **42 U.S.C. § 1985**

15 **(Age Harassment, Discrimination and Retaliation)**

16 **(All Plaintiffs Against all Defendants)**

17 Plaintiffs incorporate paragraphs 1 through 140, inclusive, by reference as though set forth  
18 in full below.

19 141. Defendants have acted in concert under the color of state law and violated Plaintiffs'  
20 rights, privileges and immunities protected under the Constitution of the United States. This  
21 includes the Fourteenth Amendment's right to equal protection.

22 142. By doing the things described above, Defendants harassed, retaliated against, and  
23 discriminated against all Plaintiffs on the basis of their age and protected activity.

24 143. As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered  
25 special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount  
26 according to proof at trial. As a further direct and proximate result of Defendants' conduct,  
27 Plaintiff will suffer additional special damages in the form of lost future earnings, benefits and/or  
28 other prospective damages in an amount according to proof at trial.

1 144. As a further proximate result of the wrongful conduct of Defendants, Plaintiffs have  
 2 suffered and continue to suffer humiliation, lack of self-confidence, embarrassment, emotional  
 3 distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

4 145. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
 5 and in the conscious disregard of the rights of Plaintiffs, and Plaintiffs are therefore entitled to  
 6 punitive damages in an amount according to proof at the time of trial. Plaintiffs are entitled to  
 7 costs and reasonable attorney's fees pursuant to the statutes referenced herein.

8 146. This deprivation of rights, as alleged above and incorporated herein, including the  
 9 rights as women to equal protection under the laws of the United States, gives rise to a claim under  
 10 42 U.S.C. § 1985.

### 11 **THIRTEENTH CAUSE OF ACTION**

#### 12 **FAILURE/NEGLIGENT TRAINING AND SUPERVISION**

#### 13 **(All Plaintiffs Against All the Lab)**

14 Plaintiffs incorporate paragraphs 1 through 146, inclusive, by reference as though set forth  
 15 in full below.

16 147. As alleged above, the Lab had a deliberate indifference to the rights of its  
 17 employees, failed to properly train its managers and supervisors, and intentionally ignored the  
 18 harassing and hurtful conduct of its managers and supervisors.

### 19 **FOURTEENTH CAUSE OF ACTION**

#### 20 **(Retaliation in Violation of the First Amendment)**

#### 21 **(All Plaintiffs Against All Defendants)**

22 Plaintiffs incorporate paragraphs 1 through 147, inclusive, by reference as though set forth  
 23 in full below.

24 148. As alleged above, Plaintiffs complained about their experiences at the Lab as well as  
 25 the observations of other co-workers being mistreated.

26 149. As a result, Plaintiffs were punished with increased work, ostracism, mean  
 27 treatment, and termination.

28 ///

**FIFTEENTH CAUSE OF ACTION**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

**(Against all Defendants)**

**(All Plaintiffs Against All Defendants)**

150. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 149, inclusive, of this Complaint as though fully set forth herein.

151. The conduct of Defendants as set forth above was so extreme and outrageous that it exceeded the boundaries of a decent society and lies outside the compensation bargain. Said conduct was intended to cause Plaintiffs severe emotional distress, or was done in conscious disregard of the probability of causing severe emotional distress. Said conduct was also in direct violation of California public policy.

152. As a proximate result of the wrongful conduct of Defendants, Plaintiffs have suffered and continue to sustain substantial losses in earnings and other employment benefits in an amount according to proof.

153. As a further proximate result of the wrongful conduct of Defendants, Plaintiffs have suffered and continue to suffer humiliation, lack of self-confidence, embarrassment, emotional distress and mental anguish, all to his damage in an amount according to proof.

154. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice and in conscious disregard of the rights of Plaintiffs, and Plaintiffs are therefore entitled to punitive damages in an amount according to proof.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray for judgment against Defendants, and each of them, according to proof, as follows:

- a. For general and special damages, including lost wages, in a sum in excess of the minimum jurisdictional limit of this Court, according to proof at trial;
- b. For interest at the maximum legal rate;
- c. For punitive damages;



- 1 d. For reasonable attorney's fees;  
2 e. For costs of suit incurred herein; and  
3 h. For such other and further relief as the Court may deem just and proper.  
4

5 DATED: March 15, 2015

BENJAMIN LAW GROUP

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7  
8 By: /s/ Na'il Benjamin

9 NA'IL BENJAMIN  
Attorney for Plaintiff  
LORRAINE WELLS, et al.

10 **DEMAND FOR JURY TRIAL**

11 Plaintiff hereby requests a jury trial on the claims so triable.

12 DATED: March 15, 2015

13 BENJAMIN LAW GROUP

14  
15 By: /s/ Na'il Benjamin

16 NA'IL BENJAMIN  
Attorney for Plaintiffs  
LORRAINE WELLS, et al.  
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